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09/891,474	06/26/2001	Dale F. McIntyre	83010F-P	9394

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EXAMINER
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JOO, JOSHUA

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/891,474	<b>Applicant(s)</b> MCINTYRE ET AL.	
	<b>Examiner</b> Joshua Joo	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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1. Claims 1-15 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, and Savitzky et al, #6,571,271 (Savitzky hereinafter).

4. As per claim 1, Jalili teaches an invention for a secure access of resources over the network through generating a unique icon. Jalili's invention comprises of:

a) Device for creating an electronic icon containing information unique to a particular user including information allowing access with respect to a particular file having said icon associated therewith over a communication network by a third party. (Col 8, lines 26-30; Col 9, lines 14-15; Col 5, lines 34-36. Server generates icons that include a password or a pin for the user access. Icon corresponds to relevant data to access a resource for a user. Communication may be a LAN, WAN, or wireless.)

5. Jalili does not mention that the resource is a digital media file. Savitzky teaches an invention of accessing files through a generated html page, where the files are digital images (Col 3, lines 10-20.).

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6. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to make the resources of Jalili's invention into digital media files because both inventions deal with accessing files from a linked object. Using digital media files will improve Jalili's invention because digital files provide better media quality since digital files can be reproduced more precisely.

7. As per claim 4, Jalili teaches the invention of claim 1, where the system comprises a communication device for transferring files from said user computer over said computer network (Col 5, lines 28-32; Col 5, lines 42-49. Client system may be a computer. Client system may include a modem or network adaptor.).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271 as applied to claim 1, and in view of Hoyle, #6,771,290.

9. As per claim 2, Jalili teaches an invention wherein said device for creating said electronic icon comprises a user computer (Col 5, lines 31-33).

10. Jalili does not mention files stored in said computer.

11. Hoyle teaches an invention for using links or shortcuts to access files stored on the computer (Col 15, lines 6-10).

12. It would have been obvious to one of ordinary skill in this art at the time of the invention was made to combine the teachings of Jalili and Hoyle because they both deal with using an

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image object as means to access files. By having the files stored locally on the computer, it would improve Jalili's invention by allowing faster access to desired files.

13. Claims 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104 and Savitzsky, #6,571,271 as applied to claim 1 and in view of Tomat et al, #6,784,925 (Tomat hereinafter).

14. As per claim 3, Jalili does not teach a system wherein an electronic camera is used to create said electronic icon and automatically associates said electronic icon with digital image file captured by said electronic camera.

15. Tomat teaches an invention, wherein a digital camera captures an image and stores a thumbnail of the captured image (Col 6, lines 11-13). The thumbnail image file is associated with the full-resolution image file (Col 8, lines 8-10).

16. It would have been obvious to one of ordinary skill in this art at the time of the invention was made to combine the inventions of Jalili and Tomat because both inventions deal with using an image option to access a file. By using a camera to create an icon and associating it with the image, it would improve the functionality of Jalili's invention by allowing direct access to the images without a computer and using the icon to associate with the image provides better management of files.

17. As per claim 5, Jalili teaches an invention where the system has a communication device for transferring files to a service provider, wherein said the electronic icon has instructions for further processing of files (Col 5, lines 42-50; Col 7, lines 7-15. Communication

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interface may be a modem or a network adaptor. Icons may serve as an indicator of the data or password to be entered.).

18. As per claim 6, Jalili does not teach a system wherein said provider provides confirmation of receipt of said digital media file to said electronic camera.

19. Tomat teaches an invention for uploading camera files to a server. The service provider provides a file upload status dialog, which indicates the file being transmitted. (Col 14, lines 18-28).

20. It would have been obvious to one of ordinary skill in this art at the time of the invention was made to combine the teachings of Jalili and Tomat because since both inventions deal with the accessing of files, using Tomat's confirmation of file transfer will increase the reliability of Jalili's invention by acknowledging that the file has been received, so the user knows not to resend the file.

21. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Tomat, #6,784,925 as applied to claim 6, and in view of Hara et al, #5,566,003 (Hara hereinafter).

22. As per claim 7, Jalili does not teach a system wherein said confirmation further includes confirmation of said instructions.

23. Hara teaches an invention for transmitting images wherein a confirmation is made for the receipt of instructions for transferring image data (Col 38, lines 4- 7).

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24. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Hara because both inventions deal with the sending of files over a communication path. The teachings of Hara wherein a confirmation is made for the receipt of instructions for data transfer would improve Jalili's invention because it increases the reliability of Jalili's invention by ensuring that the files are transferred properly and that the structure of the images are maintained during the file transfer.

25. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Tomat #6,784,925 as applied to claim 5, and in view of Reed et al #6,044,205 (Reed hereinafter).

26. As per claim 8, Jalili does not teach of a system wherein said instructions includes the automatically forwarding of said digital image file to a third party.

27. Reed teaches an invention for an automated communication system, where instructions contain information for automatically transmitting documents (Col 10, lines 60-66).

28. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Reed for the instructions to have information for automatically transmitting documents because doing so will improve Jalili's invention by allowing users and providers to easily establish a connection and simplify the process of transferring files.

29. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Hoyle, #6,771,290 as applied to claim 2, and in view of Morris,

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#6,353,848.

30. As per claim 9, Jalili does not teach of an invention wherein a service provider having access to said digital media file so as to obtain said icon and allow access in accordance with said information.

31. Morris teaches an invention for allowing access to images on a camera over a network where a server has access to digital image files, retrieve a HTML file, and establish a connection between the web browser and the files (Col 13, lines 30-52).

32. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Morris because the teachings of Morris to allow a server to access image files, retrieve data, and allowing accessing would improve the functionality of Jalili's invention by allowing remote access of the data located on the computer. This would allow the user to access the files on the computer from different locations.

33. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Tomat, #6,784,925 as applied to claim 5, and in view of Uchiyama, #6,731,341.

34. As per claim 10, Jalili does not teach a system where said communication is a wireless phone.

35. Uchiyama teaches an invention for an electronic still camera where a cellular phone is mounted on an electronic camera (Col 12, lines 39-43).



36. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Uchiyama because using a cellular phone for communications purposes will improve the capability of Jalili's invention by allowing images to be transferred from different locations, and it provides convenience in taking and sending images.

37. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Hoyle, #6,771,290, and Morris #6,353,848.

38. As per claim 11, Jalili teaches an invention for a secure access of resources over the network through generating a unique icon. Jalili's invention comprises of:

a) Creating an electronic icon containing information unique to said user that includes information for allowing controlled access by a designated third party to a particular file stored on said computer. (Col 8, lines 26-30; Col 9, lines 14-15; Col 5, lines 28-49. Server generates icons that include a password or a pin for the user access. Icon corresponds to relevant data to access a resource for a user. Communication may be a LAN, WAN, or wireless. Client system may be a computer. Client system may include a modem or network adaptor.).

39. Jalili does not the teach the invention wherein said service provider for accessing said user computer over said communication network and locating digital media files having said icon associated therewith and allow access to said digital media files by said designated third party.

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40. Morris teaches an invention where a server has access to image files, retrieve data, and establishes a connection between the web browser and the files (Column 13, lines 30-52).

41. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Morris because the teachings of Morris to allow a server to access image files, retrieve data, and allowing accessing would improve the functionality of Jalili's invention by allowing remote access of the data located on the computer. This would allow the user to access the files on the computer from different locations.

42. Jalili does not mention that the resource is a digital media file. Savitzky teaches an invention of accessing files through a generated html page, where the files are digital images (Col 3, lines 10-20).

43. It would have been obvious to one of ordinary skill in this art at the time of the invention was made to make the resources of Jalili's invention into digital media files because both inventions deal with accessing files from a linked object and using digital media files will improve Jalili's invention because it will provide better quality since digital files can be reproduced precisely.

44. Jalili does not mention files stored in said computer.

45. Hoyle teaches an invention for using links or shortcuts to access files stored on the computer (Col 15, lines 6-10).

46. It would have been obvious to one of ordinary skill in this art at the time of the invention was made to combine the teachings of Jalili and Hoyle because they both deal with using an

image object as means to access files. By having the files stored locally on the computer, it would improve Jalili's invention by allowing faster access to desired files.

47. As per claim 12, Jalili teaches an invention wherein said information comprises instructions with respect to said files (Col 7, lines 7-15. Icon allows users to identify with a data element. Icons may serve as an indicator of the data or password to be entered).

48. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzky, #6,571,271, Hoyle, #6,771,290, and Morris, #6,353,848 as applied to claim 11, and in view of Reed et al #6,044,205 (Reed hereinafter).

49. As per claim 13, Jalili does not teach of a system wherein said instructions includes the automatically forwarding of said digital image file to a third party.

50. Reed teaches an invention for an automated communication system, where instructions contain information for automatically transmitting documents (Col 10, lines 60-66).

51. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Reed for the instructions to have information for automatically transmitting documents because doing so will allow users and providers to easily establish a connection and simplify the process of transferring files.

52. As per claim 14, Morris teaches a system wherein instruction comprises of forwarding the electronic address said digital media file to said designated third party such that said designated third party may directly access said digital media file (Col 11, lines 25-33; Col 13,

lines 30-52. Registration information is send, which includes information to locate camera. A connection is established between web browser and camera so user can access images.).

53. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Hoyle, #6,771,290, Morris, #6,353,848, Reed #6,044,205 as applied to claim 14, and in view of Tomat #6,784,925.

54. As per claim 15, Jalili does not teach a method wherein said digital media file is a low-resolution copy of a higher resolution media file.

55. Tomat teaches an invention wherein the digital media file is a low-resolution copy of a higher resolution media file (Col 6, lines 11-14).

56. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Tomat because since Jalili invention deals with accessing files over the network, having a file of low-resolution will improve the efficiency of Jalili's invention because having a file of lower image quality will allow quicker access and previewing of images. The user does not have to access the large file to preview the image.

#### ***Response to Arguments***

57. Applicant's arguments filed 01/24/2005 have been fully considered but they are not persuasive.

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58. Applicant argued that (1) In the Jalili reference, there is no association of an icon with regard to a particular user as taught and claimed by Applicant. (2) In the Savitzky reference, there is no teaching or suggestion of an icon being created that contains information unique to a particular user that allows access with respect to the particular media file by a third party over a communication network. (3) Neither Jalili nor Savitzky individually or in combination teach or suggest creating an electronic icon unique to a particular user that includes information allowing access with respect to a particular digital media file having an icon associated therewith over a communication by a third party. (4) The prior art totally fails to teach or suggest using an icon for this controlled access. (5) Jalili and Savitzky references fail to teach or suggest creating an electronic icon containing information unique to a user that allows for controlled access by a designated third party with respect to the digital media file stored on the computer, nor does it teach or suggest that a service provider control the access by the third party to the images on the user computer.

Examiner traverse the argument:

59. As to point (1), Jalili taught of a server generating a display image, which includes icons, based on user selections (Col 6, lines 54-55), and furthermore, the icon serves as an identifiable indicator of an element of the data or password (Col 7, lines 9-10). Thus, the icon is unique to a particular user that generates the icon. The icon allows access to relevant data by a third party (Col 6, lines 12-14; Col 9, lines 14-15).

60. As to point (2), Jalili taught of a server generating a display image, which includes icons, based on user selections (Col 6, lines 54-55), and furthermore, the icon serves as an identifiable indicator of an element of the data or password (Col 7, lines 9-10). Thus, the icon is unique to a

particular user that generates the icon. The icon allows access to relevant data by a third party (Col 6, lines 12-14; Col 9, lines 14-15). Jalili does not teach that the data is of particular digital media file. Thus, Jalili was combined with Savitzky, who taught generating HTML pages to access digital images on a web server by a third party (Col 2, lines 59-67; Col 3, lines 10-20). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

61. As to point (3), Jalili and Savitzky in combination teach of creating an electronic icon unique to a particular user that includes information allowing access with respect to a particular digital media file as noted above in the response to point (2).

62. As to point (4), Jalili taught that the icon serves as an identifiable indicator of an element of password to be entered (Col 7, lines 9-10), and the user must enter a password and identify to the server to gain entry to the data (Col 6, lines 5-7), thus prior art teaches that the access is controlled.

63. As to point (5), Jalili and Savitzky taught of creating an electronic icon containing information unique to a user that allows for controlled access by a designated third party with respect to the digit media file as noted above in the response to point (2). Jalili taught that the user must identify herself to the server subsystem to gain entry, thus the access is controlled (Col 6, lines 5-7).

***Conclusion***

64. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

65. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966 and fax number is 571 273-3966. The examiner can normally be reached on Monday to Thursday 8 to 5:30.


66. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571 272-3964.

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67. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 17, 2005

JJ

 JOHN FOLLANSBEE  
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